

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.6223 of 2019**

Krishna Bihari Pandey S/o Sri Triveni Pandey Resident of Village- Bhaluahi,
P.O.- Siyawank, P.S.- Baghaila, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. Madhya Bihar Gramin Bank, Through its Chairman, Head Office Meena Plaza, South of Museum, Patna-1
2. The Chairman - cum- Disciplinary Authority Madhya Bihar Gramin Bank, Head Office Meena Plaza, South of Museum, Patna.1.
3. The General Manger Madhya Bihar Gramin Bank, Head Office Meena Plaza, South of Museum, Patna.-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey
For the Respondent/s : Mr.Mahesh Narayan Parbat, Sr.Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-09-2020 Petitioner in the present case has made a prayer to direct the respondents to pay his outstanding dues of leave encashment with interest.

A counter affidavit has come on behalf of the bank. Copy of the said counter affidavit was served on learned counsel for the petitioner as back as on 02.04.2019. There is a categorical statement that the petitioner was proceeded against in a departmental proceeding for misappropriation of money and in the said proceeding he has been dismissed from service vide order dated 31.10.2012. In the first round of proceeding in CWJC No.3950 of 2014 the learned Writ Court allowed the writ application with certain observations whereupon again the



disciplinary authority considered the matter and passed a reasoned order and the dismissal of the petitioner has been maintained. A challenge to the said dismissal has failed in CWJC No.2515 of 2015. It is the stand of the respondents therefore that this is a totally misconceived writ application.

Learned counsel for the petitioner still insists for time to file a rejoinder. This Court finds not only that the writ application is wholly misconceived rather on earlier occasion also since 02.04.2019 the petitioner has been given long adjournments on two occasions to file rejoinder, but he failed to do so the same within last one and half years. The Court has thus reasons to believe that the prayer for time is only by way of a pretext and is in fact if granted again would amount to wasting of the Court's time. Prayer is thus refused.

The writ application is dismissed for the reasons stated in the counter affidavit which have not been denied by the petitioner.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

